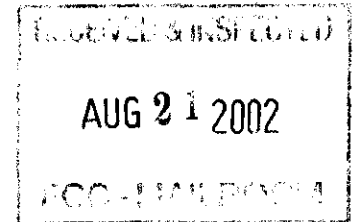


Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator	)	
	)	
General George Patton Elementary School	)	File No. SLD-256841
Riverdale, Illinois	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45 ✓
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: August 8, 2002**

**Released: August 9, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has before it a Request for Review filed by the General George Patton Elementary School (Patton Elementary), Riverdale, Illinois, challenging a denial by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company of Patton Elementary's application for discounts in Funding Year 2001 of the schools and libraries universal service support mechanism.<sup>1</sup> For the reasons set forth below, we deny the request.

2. Under the universal service support mechanism, eligible libraries may apply for discounts for certain telecommunications services, Internet access, and internal connections.<sup>2</sup> The Commission's rules require that the applicant submit to SLD a completed FCC Form 470 stating the applicant's technology requirements. Thereafter, the applicant must also file a FCC Form 471 stating the services and carrier selected, and the funds needed.<sup>3</sup>

3. Patton Elementary filed its FCC Form 470 in a timely manner.<sup>4</sup> It appears from

<sup>1</sup> Letter from Robert Charnot, General George Patton School, to Federal Communications Commission, filed September 10, 2001 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c). In prior years, Funding Year 2001 was referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. Thus the funding period which begins on July 1, 2001 and ends on June 30, 2002, previously known as Funding Year 4, is now called Funding Year 2001.

<sup>2</sup> 47 C.F.R. §§ 54.502, 54.503.

<sup>3</sup> 47 C.F.R. § 54.504.

<sup>4</sup> Patton Elementary Form 470, filed December 17, 2000.

the record that Patton Elementary started filling out the electronic version of FCC Form 471, but did not complete the process to submit the form electronically.<sup>5</sup> Instead, Patton Elementary printed the electronic version of the form, as filled out, and mailed that version to SLD, which SLD received on January 22, 2001.<sup>6</sup> The document contains the line "Printed Name of Authorized Person," but, being intended for electronic filing, does not provide for a manual signature. In its appeal, Patton Elementary states that there was no handwritten signature on the document because there was no place on the form for a signature.<sup>7</sup>

4. On March 7, 2001, SLD notified Patton Elementary that its application failed to meet minimum processing standards because its "Block 6, Item 36 is a copy, stamp or blank."<sup>8</sup> SLD enclosed the original application with the March 7 notification. It further appears from the record that Patton Elementary then resubmitted the original application, with a signature handwritten into Block 36. SLD stamped the application as received, a second time, on March 19, 2001.<sup>9</sup>

5. On July 13, 2001, SLD notified Patton Elementary that its signed FCC Form 471 was filed late, and on July 26, 2001, Patton Elementary appealed to SLD to reconsider its decision.<sup>10</sup> On August 17, 2001, SLD notified Patton Elementary that its request for a waiver of the Form 471 filing deadline was declined.<sup>11</sup> Patton Elementary then filed the present Request for Review.

6. The principal issue is whether the unsigned application received by SLD on January 22, 2001 should be deemed complete, and, if not, whether it was remedied by Patton Elementary's resubmission of the application, with a signature, on March 19, 2001. We conclude that SLD correctly determined that, in both instances, the application failed to meet the minimum processing standards.

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<sup>5</sup> The Application Display of the Services Ordered and Certification Form 471, Schools and Libraries Universal Service Program, states that data was entered on January 18, 2001, but that entry was "Incomplete."

<sup>6</sup> Patton Elementary Form 471, filed January 22, 2001.

<sup>7</sup> Request for Review, Attachment; *see also* Letter from Tim Jonke, General George Patton School, to Schools and Libraries Division, Universal Service Administrative Company, dated July 26, 2001 ("[T]he block 6: Certification and Signature line 34 was not signed by our Business Director Bob Charnot. The reason he didn't sign it was because there was no line 34 on our form for him to sign.")

<sup>8</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Tim Jonke, General Patton Elementary School, March 7, 2001.

<sup>9</sup> Patton Elementary Form 471, filed March 19, 2001.

<sup>10</sup> Postcard from Schools and Libraries Division, Universal Service Administrative Company, to Tim Jonke, General Patton Elementary School, postmarked July 13, 2001; Letter from Tim Jonke, General George Patton School, to the Schools and Libraries Division, Universal Service Administrative Company, filed August 3, 2001 (SLD Appeal Letter).

<sup>11</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Bob Charnot, General Patton Elementary School, issued August 17, 2001 (Administrator's Decision on Waiver Request Letter).

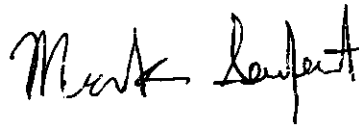
7. The SLD instructions for completing the Funding Year 2001 FCC Form 471 twice discuss the requirement of manually certifying an electronic filing.<sup>12</sup> Under "General Instructions," the instructions state that electronically filed applications must be accompanied by a simultaneous mailing of "...a paper copy of the Block 6 certification, completed and signed with a ... signature...."<sup>13</sup> Under "Specific Instructions," and the caption "Special Block 6 Instructions for Electronically Filed Applications," the instructions state that "Item 34 must be signed by the authorized person who will certify to the accuracy of the information on the form." The instructions then give the Post Office Box of the SLD processing office, and asks the applicant to "Mail the signed Block 6 to...." that address.<sup>14</sup>

8. We have held that signature certification is fundamental to the administration of the SLD program.<sup>15</sup> SLD relies on the signature certification to establish the authority of the signer to represent the applicant. There is no evidence in the record that Patton Elementary took this important step to complete its application. Therefore, the application received on January 22, 2001, was incomplete and ineffective, for lack of a certifying signature.

9. Patton Elementary's error was not remedied by the resubmission of a signed application on March 19, 2001, because the deadline for the Funding Year 2001 FCC Form 471 was that it must be postmarked by January 18, 2001.<sup>16</sup>

10. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the appeal filed by General George Patton Elementary School, Riverdale, Illinois, on September 10, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

by ~~INE~~

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

<sup>12</sup> Electronic certification of electronic filings with SLD was not yet available.

<sup>13</sup> SLD Year 2001 FCC Form 471 Instructions at 5.

<sup>14</sup> *Id.* at 23.

<sup>15</sup> *Request for Review by New Hartford Central School District Federal Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Dockets Nos. 96-45 and 97-21, Order, 16 FCC Rcd 19329 (Com. Car. Bur. 2001), para. 6.

<sup>16</sup> See SLD website, What's New, <<http://www.sl.universalservice.org/whatsnew/112000.asp#110200>>.